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## Chapter 7: Regulations, Registrations, and Licenses

The state of Virginia contains over 100 local government jurisdictions ranging in various population sizes. Regulations and business control activities are the responsibility of county, city, state, and town governments. The following is a general listing of regulating and licensing authorities that may have jurisdiction over some aspects of your business.

### Regulating and Licensing Authorities

#### Boiler and Pressure Vessel Safety

A valid boiler inspection certificate is required to operate any boiler or pressure vessel in Virginia. Equipment must comply with the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers. See Department of Labor and Industry in the Appendix.

#### Bulletin Board Poster Requirements

Employers operating in Virginia are required to display, at the worksite, certain posters prescribed by state and federal law. The required posters along with addresses and phone numbers of the agencies distributing these posters are listed on pages 123 and 124.

#### Commissioner of Revenue

If your business is located in a city, you will need a city business license. Contact the Commissioner of Revenue in the city where your business will be located to request an application for a business tax license.

#### County or City Health Department

Any food-related business, such as meat markets, restaurants, food warehouses, and grocery stores, must comply with the city, county, and state food ordinances. Contact the county or city health department nearest you for a food permit and for additional information.

#### Department of Agriculture and Consumer Services

The Virginia Department of Agriculture and Consumer Services (VDACS) offers many services to consumers and the agricultural community including inspection of plants and control of certain pests such as fire ant, gypsy moth, and cotton boll weevil. This agency is authorized to license nurserymen and nursery stock dealers and issue regulations for control of plant pests. This agency may also issue stop-sale orders, seize plants, and require corrective measures. VDACS inspects all nursery grower operations annually for disease and healthiness of plants prior to sale and prior to shipment to other states. The following areas are subject to

registrations and/or licenses within the authority of the Virginia Department of Agriculture and Consumer Services:

### **Division of Animal and Food Industry Services**

#### **Office of Dairy and Foods**

- Dairy farmers producing raw milk for pasteurization
- Processors of ice cream or other manufactured dairy products
- Milk haulers
- Retail food establishments, food processing establishments, and food warehouses

### **Office of Meat and Poultry Services**

- Meat/poultry slaughter and processing facilities

### **Division of Consumer Protection**

#### **Office of Consumer Affairs**

- Charitable organizations
- Professional solicitors
- Professional fund raising counsel
- Health spas
- Membership campgrounds
- Credit service businesses
- Extended service contracts
- Travel clubs

### **Office Pesticide Services**

- Pesticide applicators
- Pesticide products
- Individuals/businesses commercially applying herbicides or insecticides

### **Office of Plant and Pest Services**

- Nursery and nursery stock dealers
- Ginseng dealers

### **Office of Product and Industry Standards**

- Motor fuel products
- Petroleum franchise outlets

- Manufacturers of feed, fertilizer, and lime
- Distributors of turfgrass seed
- Cotton handlers
- Dealers in agricultural products
- Weights and measures service agencies and technicians
- Public weighmasters
- Commission merchants

See Department of Agriculture and Consumer Services in the Appendix.

### **Department of Environmental Quality**

This agency is dedicated to preserving and protecting the environment for the people of Virginia. To accomplish this, the Department of Environmental Quality (DEQ) administers state and federal programs for safeguarding our air, water, and land resources; issues environmental permits and enforces environmental regulations; coordinates environmental planning and policy development with other state agencies; and provides public outreach and education opportunities on environmental matters.

If your business is new to Virginia, or is modifying an existing facility or process and will have any emissions or discharges to the air or water, or will generate any material requiring disposal, you may need a permit, registration, or certification. Contact with the DEQ early in your planning process is recommended. See Department of Environmental Quality in the Appendix.

### **Department of Health Professions**

This agency assures the safe and competent delivery of health care to the citizens of the Commonwealth by providing support for the following activities of the health regulatory boards:

- Licensing applicants who meet minimum qualifications as determined by law and regulation
- Taking appropriate actions to enforce compliance with legal requirements
- Issuing licenses or permits to certain health related businesses and inspecting for compliance with applicable laws and regulations
- Studying and recommending the appropriate degree of regulation of health-related professions and occupations
- Enforcing standards to assure safety and integrity of drugs and medical devices

The department regulates the following professions, occupations, and businesses:

- Audiology and speech
- Dentistry

- Funeral directors and embalmers
- Medicine
- Nursing and Nurse Aides
- Nursing home administrators
- Optometry
- Pharmacy
- Physical therapy
- Professional counselors and marriage and family therapists
- Psychology
- Social work
- Veterinary medicine

Contact the department for further information on fees and licensing requirements in the above professions, occupations, and businesses. See Department of Health Professions in the Appendix.

## **Department of Mines, Minerals, and Energy**

The mission of the Department of Mines, Minerals, and Energy (DMME) is to enhance the development and conservation of energy and mineral resources in a safe and environmentally sound manner to support a more productive economy. The agency administers regulatory programs and provides assistance to mineral extraction companies to ensure worker safety and provide for environmental protection from the adverse effects of coal and mineral mining and gas and oil exploration and production operations. The agency licenses and permits these operations. DMME also certifies persons to be general coal or general mineral miners, or persons performing specialized mining tasks, such as mine foremen, electricians, or blasters. DMME works with both mineral extraction operators and independent contractors providing services to mining companies. The agency also provides geologic and mineral resource information to companies in business or considering doing business in Virginia. See Department of Mines, Minerals, and Energy in the Appendix.

## **Department of Professional and Occupational Regulation**

The general function of this department is to serve and protect the citizens of the Commonwealth by administering and enforcing the laws and regulations necessary for their health, safety, and welfare.

The overall objectives of the department are to serve the citizens of the Commonwealth in a professional manner, in which the most equitable, efficient, and economical means available are used to limit entry barriers to both the workplace and the marketplace; to deny entry to individuals who are not qualified to practice; and to discipline those who do not follow accepted ethical or professional standards.

Most of the programs require that candidates meet educational or technical background requirements before becoming licensed. In many cases, a written examination is administered before a candidate can become licensed. The department regulates the following professions, occupations, and businesses:

- Architects
- Asbestos and lead workers
- Auctioneers
- Barbers
- Boxers and wrestlers
- Branch pilots
- Cemeteries
- Contractors
- Cosmetologists
- Fair Housing
- Geologists
- Hair Braiders
- Hearing aid specialists
- Home inspectors
- Interior designers
- Land surveyors
- Landscape architects
- Nail technicians
- Opticians
- Polygraph examiners
- Professional engineers
- Real estate appraisers
- Real estate brokers and salesmen
- Soil scientists/wetland delineators
- Tattooists and body piercers
- Tradesman
- Waste management facility operators
- Water and waste water works operators

Contact the department for further information on the fees and licensing requirements in the above professions, occupations, and businesses. See Department of Professional and Occupational Regulation in the Appendix.

## **Director of Finance**

Individuals with businesses in a county will need to apply to the Director of Finance of that county for a business tax license. Your license will be renewed automatically with the payment of your county business tax.

## **Labor Law**

The Division of State Labor Law Enforcement of the Department of Labor and Industry administers Virginia's labor laws including the state minimum wage, the payment of wages, child labor, the right to work, and magazine subscription solicitation. See Department of Labor and Industry in the Appendix.

Federal labor laws are administered by the U.S. Department of Labor. See U.S. Department of Labor in the Appendix.

## **Local Building Code Authority**

If you require changes in the building that houses your business, you will need to apply for a building change permit with the city or county building codes authority. Fees are levied according to the type of permit you need.

## **Local Fire Department**

In many of Virginia's cities and counties, the local fire department inspects all commercial occupancies at least once a year to ensure or require compliance with the city or county fire ordinances. Notify the fire department nearest you to verify that your business is allowed within the city or county fire code and what fire permits are needed.

## **Local Traffic Division**

The administrative offices of most cities include a traffic division. Inquire at this office regarding the use of public streets and/or sidewalks. Final approval on matters relating to the private use of public streets and sidewalks resulting in city street or sidewalk permits is usually given by the local governing body.

## **Local Zoning Authority**

The city and county zoning authorities maintain information on designated areas. They can tell you if an area is zoned residential, commercial, etc. Special location permits may be obtained to locate a business in an area zoned for another use. Local planning commissions usually handle requests for changes in area zoning designation.

## Occupational Safety and Health

The Occupational Safety and Health Administration (OSHA), created by an act of Congress in 1970, issues regulations governing safety and health aspects of the workplace. The Department of Labor and Industry has the responsibility of enforcing these regulations in Virginia through the Virginia Occupational Safety and Health (VOSH) program.

VOSH Health Enforcement is responsible for the enforcement of occupational health regulations governing all commercial and industrial establishments, and all construction, demolition, and excavation work in both the public and private sectors. This division also issues asbestos project permits.

VOSH Safety Enforcement is responsible for the enforcement of occupational safety regulations governing all commercial and industrial establishments, and all construction, in both the private and public sectors.

VOSH consultation provides safety and health consultation to both public and private sector employees around the state. Consultation services assist employers to voluntarily comply with federal/state standards by identifying workplace hazards, providing recommendations for their correction and providing assistance in developing effective safety and health programs. Priority for consultation services is given to small businesses in high-hazard industries or having high-hazard processes. Printed materials addressing occupational safety and health topics are available upon request. Information is provided via the DOLI website at [www.doli.virginia.gov](http://www.doli.virginia.gov).

The Virginia Voluntary Protection Program (VVPP) recognizes and promotes outstanding safety and health management systems through cooperative relationships. Participants are a select group of facilities that have met the rigorous requirements of VVPP. See Department of Labor and Industry in the Appendix.

## Patents

Because of the tremendous development and complexity of technology, products, and processes, manufacturers should be familiar with patent protection and procedures. It is important to understand patent rights and the relationships among a business, inventor, and the Patent and Trademark Office to assure protection of your product and to avoid or win infringement suits. Only attorneys and agents who are registered with the Patent Office may prosecute an application. The Patent and Trademark Office will not, however, recommend any particular attorney or agent, nor will it assume responsibility for your selection. See U.S. Patent and Trademark Office in the Appendix.

## State Corporation Commission

All corporations are required to file articles of incorporation and certain other documents with the SCC.

It is unlawful for any person to offer or sell any securities in Virginia unless the security is registered with the SCC, or the security or transaction is exempt under the Virginia Securities Act. Exemptions from the security registration requirements do exist and are based on the type of security transaction.

It is unlawful for any person to grant or offer to grant a franchise in the Commonwealth unless the franchise is registered with the SCC. Any person who owns and uses a trademark in Virginia may file, with the SCC, an application for the registration of that trademark. Complete information is on the SCC website [www.scc.virginia.gov/division/srf](http://www.scc.virginia.gov/division/srf) regarding securities, broker-dealers, investment advisors, franchises, and trademarks.